IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15570 of 2004

Between:

Y. Sridevi W/o Srinivasulu
R/o Chilamakur, Marripadu (M) Prakasam District

..... PETITIONER

AND

1 Joint Collector, Prakasam District at Ongole
2 Revenue Divisional Officer, Kandukur, Prakasam District
3 Mandal Revenue Officer, Marripudi(M), Prakasam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order of the 1st respondent in Rc. CS2/3189/2004 dt 26-08-2004 is illegal, irregular and vioaltive of Art: 14 19 and 21 of the Constitution of India and AP Schedule Commodities (Regulation of Distribution by Card System) order 2001 and set a side the same and consequently suspend the operation order passed by 2nd respondent in Rc. F/1750/2004 dt 18-8-2004

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following ORDER::

Petitioner is the fair price shop dealer of Chilamakur village, Marripadu Mandal, Prakasam District. Her authorisation has been suspended by the second respondent-Revenue Divisional Officer, Kandukur by order dated 18-08-2004, pending enquiry to the alleged irregularities in distribution of commodities. She preferred an appeal before the first respondent-Joint Collector, Prakasam District on 25-08-2004 along with an application for stay. The first respondent-Joint Collector, Prakasam District having entertained the appeal by order dated 26-08-2004 rejected the application for stay. Aggrieved by the same, this writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for respondents.

Learned counsel for the petitioner submitted that all the allegations made against the petitioner are false and without any basis and at any rate since they are trivial in nature, the order of suspension pending enquiry is not at all warranted. It is also contended that the first respondent-Joint Collector, Prakasam District has erred in rejecting the application for stay mechanically and without affording any opportunity to the petitioner.

A perusal of the order dated 26-08-2004 shows that the first respondent-Joint Collector, Prakasam District, has rejected the stay pending the statutory appeal, without reference to anyone of the contentions raised in the Appeal and without

assigning any reasons in support of his conclusion. Particularly, the 1st respondent ought to have considered the issue whether the order of suspension, pending enquiry into the allegations is warranted in the facts and circumstances of the case.

In the circumstances of the case, I am of the view that the matter requires reconsideration. Accordingly, the order dated 26-08-2004 is set aside and the first respondent – Joint Collector, Prakasam District is directed to consider the application for stay afresh and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of one week from the date of receipt of this order.

Writ petition is accordingly disposed of. No costs.

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31-08-2004

Note: Issue C.c. by tomorrow

B/o

Klp

To

1 Joint Collector, Prakasam District at Ongole
2 Revenue Divisional Officer, Kandukur, Prakasam District
3 Mandal Revenue Officer, Marripudi(M), Prakasam District

4 2CCs to G.P. for Civil Supplies, High Court buildings,

Hyderabad.(OUT)

5 Two C.D. copies.